REMARKS

This Amendment is in response to the Office Action dated March 26, 2007. In the Office Action claims 11-15 and 24-27 were rejected under 35 USC §101, and claims 1, 6, 11 and 15 were rejected under 35 USC §103. By this Amendment, claims 1, 5, 6, 10, and 12 are amended, and claim 4 is cancelled. Currently pending claims 1-3 and 5-18 are believed allowable, with claims 1, 10 and 12 being independent claims.

REPLACEMENT DRAWINGS:

Fig. 4 contains several typographical errors. For example, γ_0 is incorrectly shown as ?$_0$. This appears to be a result of exporting the native file format of the drawings to a pdf format. Appropriate correction is made by this amendment.

CLAIM REJECTIONS UNDER 35 USC §101:

Claims 11-15 and 24-27 were rejected under 35 USC §101 as allegedly directed to non-statutory subject matter. The Office Action observes claims 11 and 24 claim "computer readable program codes" coupled to "tangible media". According to the Examiner, "This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture or a composition of matter." Office Action, pg. 2.

35 U.S.C. § 101 provides:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Furthermore, "When a computer program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product claim." *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, pp. 53-54 (Oct. 26, 2005) (http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf).

In the present application, claims 11 and 24 are amended to recite, "A computer program product embodied in computer memory." Thus, claims 11 and 24 provide for a computer program in conjunction with a physical structure,

namely a computer memory. Furthermore, the claims are directed to statutory subject matter and are believed to overcome the rejections under 35 USC §101.

Claims 12-15 and 25-27 are dependent on and further limit claims 11 or 24. Since claims 11 and 24 are believed to be directed to statutory subject matter, claims 12-15 and 25-27 are likewise believed to be directed to statutory subject matter.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1, 6, 11 and 15 were rejected as obvious under 35 USC §103 over U.S. Patent No. 6,567,776 issued to Chang et al. ("Chang") in view of U.S. Patent No. 6,578,032 issued to Chandrasekar et al. ("Chandrasekar").

Claims 2-4, 7-9 and 12-14 are rejected as obvious over Chang, Chandrasekar and U.S. Patent No. 6,529,902 issued to Kanevsky et al. ("Kanevsky").

Claims 5, 10 and 15 are rejected as obvious over Chang, Chandrasekar and U.S. Patent Publication No. 2003/0231775 to Wark ("Wark").

Claims 17-19, 21-23 and 24-26 are rejected as obvious over Wark in view of U.S. Patent Publication No. 2002/0174086 to Verma et al. ("Verma").

Finally, claims 20 and 27 stand rejected as obvious over Wark in view of Verma and U.S. Patent Publication No. 2005/0251390 to Catchpole ("Catchpole").

A *prima facie* case for obviousness can only be made if the combined reference documents teach or suggest all the claim limitations. MPEP 2143. Furthermore, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. MPEP 2143.

Claim 1

Claim 1 recites, in part, "creating an independent model based on the first set of training data and the second set of training data if the difference in model information is insignificant." In rejecting claim 1, the Office Action acknowledges these limitations are not found in Chang. However, the Office Action alleges that Chandrasekar discloses the claim elements. The Applicants respectfully disagree.

According to Chandrasekar, clusters are composed of individual members (e.g., words or phrases) that previously were entered as queries.

Chandrasekar, col. 6, ln. 63-65. For example, Fig. 3 of Chandrasekar shows Cluster A with a topic "pokemon" and another cluster, Cluster C. According to Chandrasekar, "it may be that as more members are added to Cluster A 306 and Cluster C 308 their differences become insignificant." Chandrasekar, col. 10, ln. 59-61. "As a result, Cluster C 308 may be merged with Cluster A 306." Chandrasekar, col. 10, ln. 65-66 (emphasis added).

Thus, rather than disclosing "creating an independent model based on the first set of training data and the second set of training data if the difference in model information is insignificant," Chandrasekar states that clusters with insignificant differences are merged.

Moreover, obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner not does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

The Examiner argues, "It would have been obvious to one of ordinary skill in the art to have used the features of determining a difference between models and creating an independent module as taught by Chandrasekar et al. for Chang et al.'s method and computer program product because Chandrasekar et al.'s invention automatically analyzes a text string and either updates an existing cluster or creates a new cluster (Col. 2, lines 2-4)." Office Action, pg. 2-4.

The Office Action, however has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Chang to automatically analyze a text string. Chang relates to speaker-independent speech recognition systems, "such as spoken dialogue systems and auto-attendant systems." Chang, col. 1, ln. 7-12. Chang utilizes a tree-structured speaker cluster module containing speech data. Chang, col. 4, ln. 66 - col. 5, ln. 5. In Chandrasekar, on the other hand, each cluster is composed of individual members (e.g., words or phrases) that previously were received as queries. Chang, col. 6, ln. 63-65.

It is therefore apparent that Chang expresses no appreciation of automatically analyzing a text string, as alleged by the Examiner. Chang receives as input a speech signal for recognition, not a text string. Chang, col. 4, ln. 1-4. Conversely, Chandrasekar discloses using text

classification and clustering to suggest alternative words for text-based activity and correct spelling errors. Chandrasekar, col. 2, ln. 39-49.

For at least these reasons, claim 1 is believed allowable over the cited art. The Applicants respectfully request reconsideration and allowance of claim 1.

Claims 2-5

Claims 2-5 and further limit claim 1. Since claim 1 is believed allowable over the cited documents, claims 2-5 are also believed allowable for at least the same reasons as claim 1.

Claim 6

Claim 6 recites, in part, "a processing module configured to create an independent model based on the first set of training data and the second set of training data if the difference in model information between first model and the second model is insignificant." In rejecting claim 6, the Office Action acknowledges these limitations are not found in Chang. However, the Office Action alleges that Chandrasekar discloses the claim elements. The Applicants respectfully disagree.

As discussed above for claim 1, Chandrasekar teaches clusters are composed of individual members (e.g., words or phrases) that previously were entered as queries. Chandrasekar, col. 6, ln. 63-65. For example, Fig. 3 of Chandrasekar shows Cluster A with a topic "pokemon" and another cluster, Cluster C. According to Chandrasekar, "it may be that as more members are added to Cluster A 306 and Cluster C 308 their differences become insignificant." Chandrasekar, col. 10, ln. 59-61. "As a result, Cluster C 308 may be merged with Cluster A 306." Chandrasekar, col. 10, ln. 65-66 (emphasis added).

Thus, rather than disclosing "a processing module configured to create an independent model based on the first set of training data and the second set of training data if the difference in model information between first model and the second model is insignificant," Chandrasekar states that clusters with insignificant differences are merged.

Moreover, obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the

manner suggested by an Examiner not does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

The Examiner argues, "It would have been obvious to one of ordinary skill in the art to have used the features of determining a difference between models and creating an independent module as taught by Chandrasekar et al. for Chang et al.'s method and computer program product because Chandrasekar et al.'s invention automatically analyzes a text string and either updates an existing cluster or creates a new cluster (Col. 2, lines 2-4)." Office Action, pg. 2-4.

The Office Action, however has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Chang to automatically analyze a text string. Chang relates to speaker-independent speech recognition systems, "such as spoken dialogue systems and auto-attendant systems." Chang, col. 1, ln. 7-12. Chang utilizes a tree-structured speaker cluster module containing speech data. Chang, col. 4, ln. 66 - col. 5, ln. 5. In Chandrasekar, on the other hand, each cluster is composed of individual members (e.g., words or phrases) that previously were received as queries. Chang, col. 6, ln. 63-65.

It is therefore apparent that Chang expresses no appreciation of automatically analyzing a text string, as alleged by the Examiner. Chang receives as input a speech signal for recognition, not a text string. Chang, col. 4, ln. 1-4. Conversely, Chandrasekar discloses using text classification and clustering to suggest alternative words for text-based activity and correct spelling errors. Chandrasekar, col. 2, ln. 39-49.

For at least these reasons, claim 6 is believed allowable over the cited art. The Applicants respectfully request reconsideration and allowance of claim 6.

Claims 7-10

Claims 7-10 and further limit claim 6. Since claim 6 is believed allowable over the cited documents, claims 7-10 are also believed allowable for at least the same reasons as claim 6.

Claim 11

Claim 11 recites, in part, "create an independent model based on the first set of training data and the second set of training data if the difference in model information is insignificant." In rejecting claim 11,

the Office Action acknowledges these limitations are not found in Chang. However, the Office Action alleges that Chandrasekar discloses the claim elements. The Applicants respectfully disagree.

As discussed above for claim 1, Chandrasekar teaches clusters are composed of individual members (e.g., words or phrases) that previously were entered as queries. Chandrasekar, col. 6, ln. 63-65. For example, Fig. 3 of Chandrasekar shows Cluster A with a topic "pokemon" and another cluster, Cluster C. According to Chandrasekar, "it may be that as more members are added to Cluster A 306 and Cluster C 308 their differences become insignificant." Chandrasekar, col. 10, ln. 59-61. "As a result, Cluster C 308 may be merged with Cluster A 306." Chandrasekar, col. 10, ln. 65-66 (emphasis added).

Thus, rather than disclosing creating "an independent model based on the first set of training data and the second set of training data if the difference in model information is insignificant," Chandrasekar states that clusters with insignificant differences are merged.

Moreover, obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner not does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

The Examiner argues, "It would have been obvious to one of ordinary skill in the art to have used the features of determining a difference between models and creating an independent module as taught by Chandrasekar et al. for Chang et al.'s method and computer program product because Chandrasekar et al.'s invention automatically analyzes a text string and either updates an existing cluster or creates a new cluster (Col. 2, lines 2-4)." Office Action, pg. 2-4.

The Office Action, however has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Chang to automatically analyze a text string. Chang relates to speaker-independent speech recognition systems, "such as spoken dialogue systems and auto-attendant systems." Chang, col. 1, ln. 7-12. Chang utilizes a tree-structured speaker cluster module containing speech data. Chang, col. 4, ln. 66 - col. 5, ln. 5. In Chandrasekar, on the other hand,

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It is therefore apparent that Chang expresses no appreciation of automatically analyzing a text string, as alleged by the Examiner. Chang receives as input a speech signal for recognition, not a text string. Chang, col. 4, ln. 1-4. Conversely, Chandrasekar discloses using text classification and clustering to suggest alternative words for text-based activity and correct spelling errors. Chandrasekar, col. 2, ln. 39-49.

For at least these reasons, claim 11 is believed allowable over the cited art. The Applicants respectfully request reconsideration and allowance of claim 11.

Claims 12-15

Claims 12-15 and further limit claim 11. Since claim 11 is believed allowable over the cited documents, claims 12-15 are also believed allowable for at least the same reasons as claim 11.

Claim 16

Claim 16 recites, in part, "means for creating an independent model based on the first set of training data and the second set of training data if the difference in model information between first model and the second model is insignificant." In rejecting claim 16, the Office Action acknowledges these limitations are not found in Chang. However, the Office Action alleges that Chandrasekar discloses the claim elements. The Applicants respectfully disagree.

As discussed above for claim 1, Chandrasekar teaches clusters are composed of individual members (e.g., words or phrases) that previously were entered as queries. Chandrasekar, col. 6, ln. 63-65. For example, Fig. 3 of Chandrasekar shows Cluster A with a topic "pokemon" and another cluster, Cluster C. According to Chandrasekar, "it may be that as more members are added to Cluster A 306 and Cluster C 308 their differences become insignificant." Chandrasekar, col. 10, ln. 59-61. "As a result, Cluster C 308 may be merged with Cluster A 306." Chandrasekar, col. 10, ln. 65-66 (emphasis added).

Thus, rather than disclosing "means for creating an independent model based on the first set of training data and the second set of training data if the difference in model information between first model and the second

model is insignificant," Chandrasekar states that clusters with insignificant differences are merged.

Moreover, obviousness cannot be established by combining prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by an Examiner not does make the modification obvious unless the prior art suggested the desirability of the modification. *Id.*

The Examiner argues, "It would have been obvious to one of ordinary skill in the art to have used the features of determining a difference between models and creating an independent module as taught by Chandrasekar et al. for Chang et al.'s method and computer program product because Chandrasekar et al.'s invention automatically analyzes a text string and either updates an existing cluster or creates a new cluster (Col. 2, lines 2-4)." Office Action, pg. 2-4.

The Office Action, however has not explained, and it not evident, why a person of ordinary skill in the art would have found it obvious to reconstruct Chang to automatically analyze a text string. Chang relates to speaker-independent speech recognition systems, "such as spoken dialogue systems and auto-attendant systems." Chang, col. 1, ln. 7-12. Chang utilizes a tree-structured speaker cluster module containing speech data. Chang, col. 4, ln. 66 - col. 5, ln. 5. In Chandrasekar, on the other hand, each cluster is composed of individual members (e.g., words or phrases) that previously were received as queries. Chang, col. 6, ln. 63-65.

It is therefore apparent that Chang expresses no appreciation of automatically analyzing a text string, as alleged by the Examiner. Chang receives as input a speech signal for recognition, not a text string. Chang, col. 4, ln. 1-4. Conversely, Chandrasekar discloses using text classification and clustering to suggest alternative words for text-based activity and correct spelling errors. Chandrasekar, col. 2, ln. 39-49.

For at least these reasons, claim 16 is believed allowable over the cited art. The Applicants respectfully request reconsideration and allowance of claim 16.

Claim 17

Claim 17 recites, in part, "computing an accumulated confidence level that the data stream belongs to one of the plurality of data classes based on the current vector probability and on previous vector probabilities." The Office Action acknowledges these limitations are not found in Wark, but alleges that Verma discloses the claim elements. In combining the teachings of Wark and Verma, the Examiner argues "It would have been obvious to one having ordinary skill in the art to have used the feature of a cumulative confidence level as taught by Verma et al. for Wark's method, system, and computer program product because Verma et al. provides method, system, and computer program product that improves the classification accuracy of particular decision fusion applications such as medical imaging, biometric verification, signature or fingerprint verification, robotic vision, speech recognition, image retrieval, expert systems, etc (paragraph [0002])." The Applicants respectfully disagree.

According to Verma, "in decision fusion applications, multiple classifiers (or experts) perform separate classification experiments on respective data sets, and consequently designate a nominated class as correct." Verma, paragraph [0003]. Wark, however, teaches using a classifier based on a continuous distribution function defining the distribution of the feature vectors for the object classification. Wark, paragraph [0131]. Thus, the Applicants respectfully submit that there is no motivation in the prior art to combine the teachings of Wark and Verma.

For at least this reason, claim 17 is believed allowable over the cited art. The Applicant respectfully request reconsideration and allowance of claim 17.

Claims 18 and 20

Claims 18 and 20 further limit claim 17. Since claim 17 is believed allowable over the cited documents, claims 18 and 20 are also believed allowable for at least the same reasons as claim 17.

Claims 19

Claim 19 is dependent on claim 17 and recites, "The method of claim 17, wherein computing the accumulated confidence level further comprising weighing the current vector probability more than the previous vector probabilities." In rejecting claim 19, the Office Action argues paragraphs

[0018], [0019] and [0022] of Verma disclose weighing a current vector probability more than previous vector probabilities. The Applicants respectfully disagree with the Examiner.

Paragraphs [0018] and [0019] of Verma disclose L-statistic definition for a particular sample j, as $L_{ij}=a_1l_{ij1}+a_2l_{ij2}+ \ . \ . \ . \ +a_nl_{ijn}$, where l^{ijk} denotes for sample j and classifier i, the log-likelihood of the kth most likely class is such that the l_{ijk}s form order statistic, that is $l_{ij1}>l_{ij2}> \ . \ . \ . \ >l_{ijn}$. The paragraphs also mention a preferred order statistic used is simply the difference between the log-likelihoods of the two most likely classes k. That is, $a_1=1$, $a_2=-1$ and all other a_is=0.

Paragraph [0022] simply states, "Overall confidence for classifier i, H_i, is computed as cumulative mean or moving average of the L-statistic L_{ij} over a number of samples j after which it becomes almost constant."

Thus, the Applicants respectfully submit there is no teaching or suggestion in Verma of weighing a current vector probability more than previous vector probabilities.

For at least this reason, and the reasons given for claim 17, claim 19 is believed allowable over the cited art. The Applicants respectfully request reconsideration and allowance of claim 19.

Claim 21

Claim 21 recites, in part, "compute an accumulated confidence level that the data stream belongs to one of the plurality of data classes based on the current vector probability and on previous vector probabilities." The Office Action acknowledges these limitations are not found in Wark, but alleges that Verma discloses the claim elements. In combining the teachings of Wark and Verma, the Examiner argues "It would have been obvious to one having ordinary skill in the art to have used the feature of a cumulative confidence level as taught by Verma et al. for Wark's method, system, and computer program product because Verma et al. provides method, system, and computer program product that improves the classification accuracy of particular decision fusion applications such as medical imaging, biometric verification, signature or fingerprint verification, robotic vision, speech recognition, image retrieval, expert systems, etc (paragraph [0002])." As discussed above for claim 19, the Applicants respectfully disagree.

According to Verma, "in decision fusion applications, multiple classifiers (or experts) perform separate classification experiments on respective data sets, and consequently designate a nominated class as correct." Verma, paragraph [0003]. Wark, however, teaches using a classifier based on a continuous distribution function defining the distribution of the feature vectors for the object classification. Wark, paragraph [0131]. Thus, the Applicants respectfully submit that there is no motivation in the prior art to combine the teachings of Wark and Verma.

For at least this reason, claim 21 is believed allowable over the cited art. The Applicant respectfully request reconsideration and allowance of claim 21.

Claim 22

Claim 22 further limits claim 17. Since claim 17 is believed allowable over the cited documents, claim 22 is also believed allowable for at least the same reasons as claim 17.

Claims 23

Claim 23 is dependent on claim 21 and recites, "The system of claim 21, wherein the second computing module is further configured to weigh the current vector probability more than the previous vector probabilities." In rejecting claim 23, the Office Action argues paragraphs [0018], [0019] and [0022] of Verma disclose weighing a current vector probability more than previous vector probabilities. The Applicants respectfully disagree with the Examiner.

Paragraphs [0018] and [0019] of Verma disclose L-statistic definition for a particular sample j, as $L_{ij}=a_1 l_{ij1}+a_2 l_{ij2}+ \ldots +a_n l_{ijn}$, where l^{ijk} denotes for sample j and classifier i, the log-likelihood of the kth most likely class is such that the l_{ijk}s form order statistic, that is $l_{ij1}>l_{ij2}> \ldots >l_{ijn}$. The paragraphs also mention a preferred order statistic used is simply the difference between the log-likelihoods of the two most likely classes k. That is, $a_1=1$, $a_2=-1$ and all other a_is=0.

Paragraph [0022] simply states, "Overall confidence for classifier i, H_i, is computed as cumulative mean or moving average of the L-statistic L_{ij} over a number of samples j after which it becomes almost constant."

Thus, the Applicants respectfully submit there is no teaching or suggestion in Verma of weighing a current vector probability more than previous vector probabilities.

For at least this reason, and the reasons given for claim 21, claim 23 is believed allowable over the cited art. The Applicants respectfully request reconsideration and allowance of claim 23.

Claim 24

Claim 24 recites, in part, "compute an accumulated confidence level that the data stream belongs to one of the plurality of data classes based on the current vector probability and on previous vector probabilities." The Office Action acknowledges these limitations are not found in Wark, but alleges that Verma discloses the claim elements. In combining the teachings of Wark and Verma, the Examiner argues "It would have been obvious to one having ordinary skill in the art to have used the feature of a cumulative confidence level as taught by Verma et al. for Wark's method, system, and computer program product because Verma et al. provides method, system, and computer program product that improves the classification accuracy of particular decision fusion applications such as medical imaging, biometric verification, signature or fingerprint verification, robotic vision, speech recognition, image retrieval, expert systems, etc (paragraph [0002])." The Applicants respectfully disagree.

According to Verma, "in decision fusion applications, multiple classifiers (or experts) perform separate classification experiments on respective data sets, and consequently designate a nominated class as correct." Verma, paragraph [0003]. Wark, however, teaches using a classifier based on a continuous distribution function defining the distribution of the feature vectors for the object classification. Wark, paragraph [0131]. Thus, the Applicants respectfully submit that there is no motivation in the prior art to combine the teachings of Wark and Verma.

For at least this reason, claim 24 is believed allowable over the cited art. The Applicant respectfully request reconsideration and allowance of claim 24.

Claims 25 and 27

Claims 25 and 27 further limit claim 24. Since claim 24 is believed allowable over the cited documents, claims 25 and 27 are also believed allowable for at least the same reasons as claim 24.

Claims 26

Claim 26 is dependent on claim 24 and recites, "The computer program product of claim 24, wherein the program code configured to compute the accumulated confidence level includes program code configured to weigh the current vector probability more than the previous vector probabilities." In rejecting claim 26, the Office Action argues paragraphs [0018], [0019] and [0022] of Verma disclose weighing a current vector probability more than previous vector probabilities. The Applicants respectfully disagree with the Examiner.

Paragraphs [0018] and [0019] of Verma disclose L-statistic definition for a particular sample j, as $L_{ij}=a_1 l_{ij1}+a_2 l_{ij2}+ \ldots +a_n l_{ijn}$, where l^{ijk} denotes for sample j and classifier i, the log-likelihood of the kth most likely class is such that the l_{ijk}s form order statistic, that is $l_{ij1}>l_{ij2}> \ldots >l_{ijn}$. The paragraphs also mention a preferred order statistic used is simply the difference between the log-likelihoods of the two most likely classes k. That is, $a_1=1$, $a_2=-1$ and all other a_is=0.

Paragraph [0022] simply states, "Overall confidence for classifier i, H_i, is computed as cumulative mean or moving average of the L-statistic L_{ij} over a number of samples j after which it becomes almost constant."

Thus, the Applicants respectfully submit there is no teaching or suggestion in Verma of weighing a current vector probability more than previous vector probabilities.

For at least this reason, and the reasons given for claim 24, claim 26 is believed allowable over the cited art. The Applicants respectfully request reconsideration and allowance of claim 26.

CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best

be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: June 26, 2007

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